

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANDRA K. FRABLE,)	
)	Civil Action
Plaintiff)	No. 05-CV-00402
)	
vs.)	
)	
CHRISTMAS CITY HOTEL, LLC,)	
trading as)	
Radisson Hotel Bethlehem,)	
)	
Defendant)	

O R D E R

NOW, this 28th day of September, 2005, upon consideration of Defendant's Motion to Dismiss Plaintiff's Complaint, which motion was filed February 4, 2005; upon consideration of Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss the Complaint, which response was filed March 4, 2005; upon consideration of the briefs of the parties;¹ and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that defendant's motion to dismiss is granted in part and denied in part.

IT IS FURTHER ORDERED that defendant's motion to dismiss plaintiff's claims under Title VII of the Civil Rights Act of 1991² and the Age Discrimination in Employment Act³ is granted.

¹ Defendant's Reply Brief was filed March 16, 2005. Plaintiff's Memorandum of Law in Surreply to the Defendant's Reply Brief was filed June 28, 2005

² 42 U.S.C. §§ 2000(e) to 2000(e)-17.

³ 29 U.S.C. §§ 621 to 634.

IT IS FURTHER ORDERED that Counts I and II of plaintiff's Complaint are dismissed.

IT IS FURTHER ORDERED that in all other respects defendant's motion to dismiss is denied without prejudice.⁴

IT IS FURTHER ORDERED that the Clerk of Court is directed to immediately remand this matter to the Court of Common Pleas of Northampton County, Pennsylvania.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

⁴ It is the sense of this Order that defendant is free to raise any additional issues raised in its motion to dismiss and not decided herein before the Court of Common Pleas of Northampton County, Pennsylvania.